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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4546 OF 2006
IN
FIRST APPEAL NO. 1503 OF 2006

Subhash Hanumantrao Pise & anr. ... Applicants

V/s

1. Shri Manohar Hanumantrao Pise & ors. ... Respondents

Mr. Parag Kale for the applicants.
Mr. Shirish Pitre for the respondents.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATED: 12TH FEBRUARY, 2007.

P.C.:

1. Heard.

2. The dispute is about the joint family property and ultimately if the suit is decreed in favour of the plaintiffs, partition will have to be effected. It appears that there are some properties which are immovable and which are alleged to be of the joint family. At this stage, we do not want to go in the nature of the business and that will be finally adjudicated in the main matter. But in that circumstance, if it is found to be a joint family business, the partition will have to be effected after

taking accounts.

3. Taking into consideration these circumstances, we pass the following order:

O R D E R

(i) So far as the immovable property of the family which is the subject matter of the suit is concerned, the appellants and the respondents are directed that they shall not create any third party interest in the property and shall maintain the property so that it shall be available for partition if the decree for partition is passed.

(ii) We further direct that so far as the business is being looked after by the appellants and the respondents independently, they shall maintain the accounts of their business so that if ultimately it is found that these businesses are joint family businesses, the decree for taking accounts and joint family businesses can be passed.

4. With these directions, the civil application is disposed of.

(SMT. NISHITA MHATRE, J.) (S.B. MHASE, J.)